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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Karen Aviles

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EXAMINER

LONG, FONYA M

ART UNIT

PAPER NUMBER

3689

NOTIFICATION DATE

DELIVERY MODE

10/04/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/707,715	<b>Applicant(s)</b> AVILES ET AL.	
	<b>Examiner</b> FONYA LONG	<b>Art Unit</b> 3689	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07/14/2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This communication is a Final Office Action rejection on the merits in response to communication received on July 14, 2010. Claims 1, 3, and 6 have been amended. Claims 4, 5, and 7-20 have been cancelled. Claims 21-25 have been added. Claims 1-3, 6, and 21-25 are currently pending and have been addressed below.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacFarlane et al. (7,014,104) in view of DonationDepot.com (2001) and in further view of Miller et al. (US 2001/0051875) and Major (US 2002/0174063).

**As per Claims 1, 24, and 25**, MacFarlane et al. discloses a method, a system, and a tangible non-transitory computer-readable storage medium, comprising:

a network interface communicating with a memory (Col. 7, Line 48-Col. 8, Line 3, discloses a gift site (i.e. a website that is website provided via the Internet (a network)) that is in communication with a plurality of databases (i.e. form template database, initiator database, matching party database, and a receiver database));

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the memory communicating with a processor (Fig. 1; Col. 7, Line 48-Col. 8, Line 3, discloses the gift site which includes databases being in communication with a plurality of computers); and

the processor, when executing a computer program, is configured to:

receiving, by the computer based system, an identifier of a selected charity of a plurality of charities, a donation amount, and an employer identifier corresponding to an employer (Col. 2, Lines 54-64, discloses transfer information being received from the initiator (i.e. employee or donor). Claim 1, discloses the transfer information including a third party identifier (i.e. charity identifier), a second party identifier (i.e. employee identifier), and the amount (i.e. donation amount));

matching, by the computer based system, the identifier of the selected charity to a charity category, wherein the charity category comprises a set of employer defined predetermined rules governing matching contribution made by an employer (Col. 2, Line 65-Col. 3, Line 23, discloses the transfer information (which includes a charity identifier) being analyzed, wherein (Col. 10, Lines 45-65) the information is used to determine if the donation qualifies for matching based on the matching party's stored rules and guidelines); and

processing, by the computer based system, a payment to the selected charity for the final employer donation amount (Col. 11, Lines 7-17, discloses processing via matching funds are transferred to the stored value fund of the receiver (i.e. charity)).

However, MacFarlane et al. fails to explicitly disclose displaying a plurality of charities corresponding to a search request; a minimum donation rule being associated

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with each charity; receiving a confirmation that a charge corresponding to the donation amount posted to at least one of a transaction account and a loyalty account; a percentage and a cap amount; multiplying the donation amount by the percentage; and calculating a donation amount based on the cap amount.

DonationDepot.com discloses an online donation system with the concept of displaying, by a computer based system for administering charitable donations, a plurality of charities corresponding to a search request (Pages 3 and 7, discloses the user being capable of searching for charities by entering a search request, wherein the system displays the search results to the user which comprises a list of charities).

Therefore, from the teaching of DonationDepot.com, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gift matching method of MacFarlane et al. to include an online donation system wherein a user may search a database comprising a plurality of charities as taught by DonationDepot.com in order to provide users with information of all the available charities so that a user can make an educated decision as to which charity the user wishes to contribute to.

Miller et al. discloses a online donation management system with the concept of a minimum donation rule being associated with each charity; verifying that the donation amount complies with the minimum donation rule (Fig. 6 & 12; [0039] discloses a minimum donation amount that is required when providing a donation to a charity. Examiner asserts it is inherent that the system checks to make sure that the donation amount entered by the user meets the minimum donation amount set by the system in

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order to meet the donation requirements.); and receiving, by the computer based system, a confirmation that a charge corresponding to the donation amount posted to at least one of a transaction account and a loyalty account (Fig. 18; [0043], discloses displaying to a user a confirmation of the donation which provides the donation item, total amount, deductible amount, and delivery destination).

Therefore, from the teaching of Miller et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the MacFarlane et al. and DonationDepot.com combination to include an online donation management system that provides for a minimum donation rule to be applied to donations provided by users; and providing a confirmation of the donation as taught by Miller et al. in order eliminate the overhead cost of handling donations of minimal amounts and ensure that a reasonable donation is provided to a charity.

Major discloses an automated donation process and system with the concept of retrieving, by the computer based system, a percentage and a cap amount, wherein the percentage and the cap amount each correspond to the charity category and the employer identifier ([0086-0093] discloses retrieving a weighted donation rate (i.e. percentage) and a capped donation rate (i.e. cap amount) from the server ([0073]));

multiplying, by the computer based system, the donation amount by the percentage to compute a preliminary employer donation amount ([0090] discloses multiplying the charitable donation by the allocation rate for charity (i.e. percentage)); and

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calculating, by the computer based system, a final employer donation amount by limiting the preliminary employer donation amount to the cap amount ([0093] discloses the concept of determining a donation amount wherein the donation amount is limited to a cap amount).

Therefore, from the teaching of Major, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the MacFarlane et al., DonationDepot.com, and Miller et al. combination to include a percentage and a cap amount; multiplying the donation amount by the percentage; and calculating a donation amount based on the cap amount as taught by Major in order to aid in providing an efficient and automated means in providing charitable donations.

**As per Claim 2**, MacFarlane et al. discloses the method being performed in an online environment (Col. 3, Lines 35-50, via the gift site is a website on the Internet).

**As per Claim 6**, the MacFarlane et al., DonationDepot.com, Miller et al., and Major combination disclose the claimed invention as applied to Claim 1, above. Examiner asserts the type of charities in which a donor provides donation to holds little, if any, patentable weight in the method claim. Examiner asserts the method of providing a donation to a charity would be performed the same regardless of whether the charity is a government approved 501(c) charity. Examiner asserts the MacFarlane et al., DonationDepot.com, Miller et al., and Major combination is fully capable of having all the charities be government approved 501(c) charities.

**As per Claim 23**, MacFarlane et al. discloses transmitting, by the computer based system, a record corresponding to the donation amount (Col. 2, Lines 54-64, via

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transmitting transfer information which includes a third party identifier (i.e. charity), a second party identifier (i.e. employee), and a donation amount. Money is transmitted to the receiver that corresponds to the donation amount and the enhancing (i.e. matching) amount.).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacFarlane et al. (7,014,104) in view of DonationDepot.com (2001) and in further view of Miller et al. (US 2001/0051875), Major (US 2002/0174063), and Chien et al. (US 2001/0054003).

**As per Claim 3**, the MacFarlane et al., DonationDepot.com, Miller et al., and Major combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose loyalty points being used as a charitable donation.

Chien et al. discloses a system and method of using loyalty points with the concept of loyalty points being used as a charitable donation ([0012] discloses a user redeeming or converting loyalty points for charitable donations).

Therefore, from the teaching of Chien et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the MacFarlane et al., DonationDepot.com, Miller et al., and Major combination to include loyalty points being used as a charitable donation as taught by Chien et al. in order to provide a non-monetary way for a donor to contribute to a desired charitable organization.

4. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacFarlane et al. (7,014,104) in view of DonationDepot.com (2001) and in further



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view of Miller et al. (US 2001/0051875), Major (US 2002/0174063), and Global Action on Aging (2002).

**As per Claims 21 and 22**, MacFarlane et al. discloses the concept of providing a donation of a certain amount and an employer matching the donation. However, the MacFarlane et al., DonationDepot.com, Miller et al., and Major combination fails to explicitly disclose the concept of donation being recurring.

Global Action on Aging discloses an online donation system with the concept of having recurring donations (Page 1, discloses the concept of a user selecting to have the donations to a charity be recurring (i.e. monthly, quarterly, or yearly).

Therefore, from the teaching of Global Action on Aging, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the MacFarlane et al., DonationDepot.com, Miller et al., and Major combination to include recurring donations as taught by Global Action on Aging in order to allow user be able to divide their donation amount into payments that may be paid monthly, quarterly, or yearly in order to aid in budgeting money to be donated to charities.

### ***Response to Arguments***

5. Applicant's arguments filed July 14, 2010 have been fully considered but they are not persuasive.

Applicant's arguments are directed to newly claimed limitations which have been addressed in the rejection stated above.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### **Conclusion**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thurs. 7:30am-6pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689